

Notice of Allowability

Application No.

10/076,334

Examiner

Trenton J. Roche

Applicant(s)

CURTIS, BRYCE ALLEN

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to communications filed 12 September 2005.
2. ☒ The allowed claim(s) is/are 1-8, 10-12, 17-24, 26-28, 33 and 34 (renumbered as 1-24).
3. ☒ The drawings filed on 14 February 2002 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
 - * Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date 021402
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____.
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

DETAILED ACTION

1. This Office Action is responsive to communications filed 12 September 2005.
2. Per applicant's request, amended claims 1-3, 5-8, 10-12, 17-19, 21-24, 26-28, 33 and 34 have been entered. Claims 9, 13-16, 25, 29-32 and 35 have been canceled. Claims 1-8, 10-12, 17-24, 26-28, 33 and 34 are pending.
3. Claims 1-8, 10-12, 17-24, 26-28, 33 and 34 have been examined.

Response to Arguments

4. Applicant's arguments, see pages 8 and 9 of the Remarks, filed 12 September 2005, with respect to claims 1-8, 10-12, 17-24, 26-28, 33 and 34 have been fully considered and are persuasive. The rejection of claims 1, 2, 5, 6, 11, 12, 17, 18, 21, 22, 27, 28, 33 and 34 under 35 U.S.C. § 102(e) and the rejection of claims 3, 4, 7, 8, 19, 20, 23 and 24 under 35 U.S.C. § 103(a) have been withdrawn.

Allowable Subject Matter & Examiner's Statement of Reason(s) for Allowance

5. Claims 1-8, 10-12, 17-24, 26-28, 33 and 34 (renumbered as 1-24) are allowed.
6. The following is an examiner's statement of reasons for allowance:

The closest found prior art of record, specifically, U.S. Patent 6,301,708 to Gazdik et al., (hereinafter "Gazdik"), taken alone or in combination, fails to teach or reasonably suggest a method of installing a program in a computing device in accordance with independent claim 1. Specifically, Gazdik does not teach *for each installation property used during installation of the program, storing the installation property in a fileset, wherein storing the installation property in the fileset further includes determining if*

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the installation property is to be masked, and not storing the installation property in the fileset if the installation property is to be masked (claim 1). Similar limitations are recited in independent claims 11, 17, 27, 33 and 34.

Instead, Gazdik discloses a method for installing and uninstalling software which provides the capability of fragmenting the process into multiple independent files. Each of the data files contains the characteristics of the software component, as well as the commands to be executed for installation and unexecuted during installation. However, Gazdik does not provide the ability to mark an installation characteristic, command or property as being masked, and upon determining that the installation characteristic, command or property is to be masked, excluding the installation property or command from being stored in the data files.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Trenton J. Roche whose telephone number is (571) 272-3733. The examiner can normally be reached on Monday - Friday, 9:00 am - 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kakali Chaki can be reached on (571) 272-3719. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Trenton J Roche
Examiner
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TJR


KAKALI CHAKI
SUPERVISORY I:
TECHNOLOGY CENTER